

# EMPLOYMENT OPPORTUNITY

1. RPA #	<b>001-CSM</b>
ANALYST'S INITIALS	<b>AA</b>
DATE	<b>08/12/05</b>

**YOU MUST BE A PERMANENT OR PROBATIONARY STATE EMPLOYEE, A FORMER PERMANENT OR PROBATIONARY EMPLOYEE OR ON AN EMPLOYMENT LIST FOR THIS CLASSIFICATION IN ORDER TO APPLY FOR THIS POSITION.**

<b>CLASS TITLE</b> STAFF COUNSEL III (SPECIALIST)	<b>POSITION NUMBER</b> 356-001-5795-xxx	<b>TENURE</b> LIMITED TERM	<b>TIME BASE</b> FULL -TIME	<b>CBID</b> R02
<b>OFFICE OF</b> Commission on State Mandates	<b>LOCATION OF POSITION (CITY or COUNTY)</b> Sacramento			<b>MONTHLY SALARY</b>  \$6,902-\$8,517
<b>SEND APPLICATION TO:</b>  Commission on State Mandates CSM Administration 980 – 9 <sup>th</sup> Street, Suite 300 Sacramento, CA 95814  ATTN: Nancy Patton	<b>REPORTING LOCATION OF POSITION</b> 980-9 <sup>th</sup> Street, Suite 300, Sacramento			
	<b>SHIFT AND WORKING HOURS</b> DAYS - 8:00 AM – 5:00 PM			
	<b>WORKING DAYS, SCHEDULED DAYS OFF</b> MONDAY through FRIDAY, DAYS OFF: SAT/SUN			
	<b>PUBLIC PHONE NUMBER</b> (916) 323-3562	<b>PUBLIC PHONE NUMBER</b>	<b>POST &amp; BID FILE BY:</b>	
	<b>SUPERVISED BY AND CLASS TITLE</b> Paul Starkey, Chief Counsel (CEA 4)			<b>FILE BY</b> Sept. 9, 2005

## DUTIES

### ESSENTIAL FUNCTIONS

In order to provide legal guidance, recommendations, and proposed decisions to the Commission on State Mandates, the incumbent will utilize federal and state constitutional, statutory and regulatory authority pertaining to mandate reimbursement and the Commission's decision making processes; and utilize modern office methods, supplies and equipment to perform the following duties under the general direction of the Chief Legal Counsel:

- Receives assignment of the more complex, sensitive or high profile test claims based on statutes or executive orders that are filed by local governments for review of allegations and research on legislative history, statutory construction, and new programs or higher levels of service and costs mandated by the state which may be reimbursable pursuant to state law and court decisions. Advises the Chief Legal Counsel and Executive Director of this review and research.
- Prepares written opinions, analyses, and proposed statements of decision for the Commission on State Mandates (CSM) to determine complex, sensitive or high profile test claims based on statutes or executive orders that are filed by local governments for state reimbursement pursuant to state law and court decisions based on legal review of the administrative record of the test claim.
- Acts as legal advisor to the CSM on complex, sensitive or high profile test claims, including, but not limited to the determination of whether the state is required to reimburse local governments for the costs to implement statutes and executive orders; and
- Presents complex, sensitive or high profile test claim matters and the staff recommendation in adversarial hearings before the CSM and deals with the parties and witnesses, reviews and analyzes the legal issues raised in argument and testimony.
- Represents the CSM and negotiates with opposing counsel to resolve the largest, most complex, and sensitive reimbursement issues facing the State. The negotiated matters may include statewide costs of personnel, capital outlay, consultant contracts, materials and supplies, and indirect costs, incurred by a local government to implement a state-mandated program. These matters may involve from millions to hundreds of millions of dollars.

<b>CLASS TITLE</b> <b>Staff Counsel III (Specialist)</b>	<b>POSITION NUMBER</b> 356-001-5795-xxx	<b>RPA NUMBER</b> <b>001-CSM</b>	<b>FILE BY</b> <b>September 9, 2005</b>
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### **ESSENTIAL FUNCTIONS (continued)**

- Acts as legal advisor to CSM members or hearing officer in the most complex legislative or court-remanded reconsiderations of prior decisions; deals with the parties and representatives to the hearing, reviews and analyzes the legal issues raised in argument and testimony and prepares and presents the draft of the proposed decision.
- Provides legal advice to the CSM members (Director of Finance, State Controller, State Treasurer, Director of Office of Planning and Research, two local elected officials, and one public member), the Executive Director, and management staff with respect to all matters.

### **MARGINAL FUNCTIONS**

- Confer with and assist the Chief Legal Counsel concerning potential litigation;
- Assist in advising and counseling the Commission, Executive Director, and staff members on the legal effect of rules and regulations, statutory law, court decisions, Commission decisions and other administrative actions; and,
- Respond to legal inquiries from the Legislature, state, and local agencies, other counsel, and from the public.

### **KNOWLEDGE AND ABILITIES**

*Knowledge of:* Legal principles and their application; legal research methods; court procedures; rules of evidence and procedure; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; provisions of laws and Government Code sections administered or enforced.

*Ability to:* Analyze complex and difficult legal principles and precedents and apply them to difficult and complex legal and administrative problems; perform exceptionally difficult and complex legal research; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; draft complex and difficult opinions, pleadings, rulings, regulations and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals and organizations and maintain the confidence and respect of others; work effectively under pressure.

### **REQUIRED QUALIFICATION**

Must have active membership in The State Bar of California

### **DESIRABLE QUALIFICATIONS**

#### **Special Personal Characteristics**

- Demonstrated ability to independently and effectively perform the most complex legal work.
- Communicate effectively, both orally and in writing on complex legal and factual matters.
- Proficient in prioritizing multiple, changing assignments within short deadlines.
- Participate in the development of strategies for complex, sensitive, high profile litigation.

#### **Additional Qualifications**

- Knowledge of government organization (federal, state, and local governments, including school districts), and relationships among governmental entities;
- Knowledge of administrative law, including judicial review of administrative agency decisions, constitutional law, and principles of statutory construction, legislation, and legal drafting.
- Knowledge of government financing principles, local government functions, and education law is desirable.
- Experience working with outside counsel is desirable.
- Experience in word processing, and electronic legal research, including the internet is preferable.
- Writ and appellate experience is preferable.

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Interpersonal Skills

- Work well in a team-oriented environment, with strong interpersonal skills.
- Accept supervision, lead and direction.

**WORK ENVIRONMENT, PHYSICAL OR MENTAL ABILITIES**

**Work Environment**

- Standard office setting.

Physical Abilities

- Ability and skills for computer use.
- Ability to lift and move up to 25 pounds with or without assistance.

Mental Abilities

- Handle multiple matters and manage caseload with large amounts of documentation.
- Effectively manage stress associated with multiple projects and assignments under short time constraints.

**Some of the above requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.**

**SELECTION CRITERIA**

- Submit applications, resumes, and a 1-2 page typed statement of qualifications, by U.S. Mail to the address above.
- Applications will be evaluated and interviews may be scheduled.
- Consideration will be given to candidates with list eligibility as well as those eligible for a lateral transfer.
- SROA and SURPLUS candidates are encouraged to apply.
- Limited-Term appointment for 12 months which may be extended for additional 12 months.
- Will consider Staff Counsel.